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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,142	08/18/2003	Kevin Patrick Sheahan	-	7027
. 75	90 07/01/2005	•	EXAM	INER
KEVIN SHEAHAN 3531 E. MANSO ST.			MILLER, BENA B	
PHOENIX, AZ 85044			ART UNIT	PAPER NUMBER
			3725	
			DATE MAILED: 07/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		7					
	Application No.	Applicant(s)					
	10/643,142	SHEAHAN ET AL.					
Office Action Summary	Examiner	Art Unit					
	Bena Miller	3725					
The MAILING DATE of this communication appeared for Reply	pears on the cover sheet w	ith the correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a ly within the statutory minimum of thi will apply and will expire SIX (6) MOI e, cause the application to become Al	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on							
	s action is non-final.	* •					
3) Since this application is in condition for allowa		ters, prosecution as to the merits is					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims	•						
4) Claim(s) 1-8 is/are pending in the application.							
4a) Of the above claim(s) is/are withdra	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.	•						
	Claim(s) <u>1-8</u> are subject to restriction and/or election requirement.						
Application Papers	,						
9) The specification is objected to by the Examine	er.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the	drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correc	tion is required if the drawing	(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Ex	xaminer. Note the attache	d Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea	ts have been received. ts have been received in A nity documents have been	Application No					
* See the attached detailed Office action for a list	of the certified copies not	received.					
Attachment(s)	Re	ra Mo:					
1) Notice of References Cited (PTO-892)	/	Summary (PTO-413)					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date					
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	5)	nformal Patent Application (PTO-152) 					

Application/Control Number: 10/643,142

Art Unit: 3725

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to a leg assembly, classified in class 144, subclass 108.
- II. Claim 2-4, drawn to shelf assembly, classified in class 144, subclass 286.1.
- III. Claim 5, drawn to a dual-purpose support bracket, classified in class 403, subclass unknown.
- IV. Claims 6 and 7, drawn to a rail assembly, classified in class 403, subclass unknown.
- V. Claim 8, drawn to a plastic injected drawer, classified in class 312, subclass unknown.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as using the leg assembly for a music stand. Invention II has separate utility such as using the shelf assembly as a chair. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such

Application/Control Number: 10/643,142

Art Unit: 3725

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as using the leg assembly for a music stand. Invention III has separate utility such as using the bracket for a table. See MPEP § 806.05(d).

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as using the leg assembly for a music stand. Invention IV has separate utility such as using the rail assembly as a bookshelf. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as using the shelf assembly as a chair. Invention III has separate utility such as using the bracket for a table. See MPEP § 806.05(d).

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as using the shelf assembly as a chair. Invention IV has separate utility such as using the rail assembly as a bookshelf. See MPEP § 806.05(d).

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as using the bracket for a table. Invention IV has separate utility such as using the rail assembly as a bookshelf. See MPEP § 806.05(d).

Inventions I and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they having different modes of operation. In this instance, the drawer can be used with a cabinet.

Inventions II and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they having different modes of operation. In this instance, the drawer can be used with a cabinet.

Inventions III and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they having different modes of operation. In this instance, the drawer can be used with a cabinet.

Inventions IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together

Application/Control Number: 10/643,142

Art Unit: 3725

and they having different modes of operation. In this instance, the drawer can be used with a cabinet.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Kevin Sheahan on 06/24/05 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bena Miller Primary Examiner Art Unit 3725

bbm June 27, 2005